UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

ALTURA COMMUNICATIONS SOLUTIONS Employer-Petitioner

and

Case 13-UC-422

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 21 Union

and

ELECTRICAL WORKERS UNION, LOCAL 103 INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

Union

and

LOCAL UNION 98, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS Union

ORDER

Electrical Workers Union, Local 103, International Brotherhood of Electrical Workers' Request for Review of the Acting Regional Director's Decision and Clarification of Bargaining Unit is denied as it raises no substantial issues warranting review.¹

Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a three-member group, all of the Board's powers in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Pursuant to this delegation, Chairman Liebman and Member Schaumber constitute a quorum of the three-member group. As a quorum, they have the authority to issue decisions and orders in unfair labor practice and representation cases. See Sec. 3(b) of the Act. See Teamsters Local 523 v. NLRB, ____F.3d____, 2009 WL 4912300 (10th Cir. Dec. 22, 2009); Narricot Industries, L.P. v. NLRB, 587 F.3d 654 (4th Cir. 2009); Snell Island SNF LLC v. NLRB, 568 F.3d 410 (2d Cir. 2009), petition for cert. filed 78 U.S.L.W. 3130 (U.S. Sept. 11, 2009) (No. 09-328); New Process Steel v. NLRB, 564 F.3d 840 (7th Cir. 2009), cert. granted 130 S.Ct. 488 (2009); Northeastern Land Services v. NLRB, 560 F.3d 36 (1st Cir. 2009), petition for cert. filed 78 U.S.L.W. 3098 (U.S. Aug. 18, 2009) (No. 09-213). But see Laurel Baye Healthcare of Lake Lanier, Inc. v. NLRB, 564 F.3d 469 (D.C. Cir. 2009), petition for cert. filed 78 U.S.L.W. 3185 (U.S. Sept. 29, 2009) (No. 09-377).

In denying review, we have applied the well-established standard set forth in <u>Safeway Stores, Inc.</u>, 256 NLRB 918 (1981) (footnote omitted), under which "the Board has found a valid accretion only when the additional employees have little or no separate group identity and thus cannot be considered to be a separate appropriate unit and when the additional employees share an overwhelming community of interest with the preexisting unit to which they are accreted." See also <u>Milwaukee City Center</u>, 354 NLRB No. 77 (2009) (same).

WILMA B. LIEBMAN,

CHAIRMAN

PETER C. SCHAUMBER,

MEMBER

Dated, Washington, D.C., January 22, 2010.